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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/695,439 | 10/29/2003 | Tomohiro Sakai | T36-159872M/KOH | 4576 |
| 21254 | 7590 | 11/28/2007 | EXAMINER | |
| MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817 | | | WEISS, HOWARD | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2814 | |
| | | | MAIL DATE | DELIVERY MODE |
| | | | 11/28/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/695,439 | SAKAI ET AL. | |
| | Examiner | Art Unit | |
| | Howard Weiss | 2814 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 September 2007.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5-9,11,12 and 25-32 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,5-9,11,12 and 25-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

| | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>0507</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

Attorney's Docket Number: T36-159872M/KOH

Filing Date: 10/29/2003

Continuing Data: RCE established 5/21/2007

Claimed Foreign Priority Date: 10/29/2002

Applicant(s): Sakai et al. (Moriyama, Murakami, Shibata)

Examiner: Howard Weiss

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1 to 3, 5 to 9, 11, 12 and 25 to 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota et al. (JP 04-085972 and translation submitted 5/10/2007) and Fujimoto et al. (U.S. Patent No. 6,2242,761).

Ota et al. shows most aspects of the instant invention (e.g. Figures 1 and Column 3 Lines 27 and 34) including an SiC device comprising a layer of p-type SiC 3, an electrode 7 comprising first electrode material 4 in contact with said p-type SiC,

second electrode material **6** of Al and third material **5** of Ti located between said first and second materials.

Ota et al. do not explicitly disclose the first and second materials exhibiting an eutectic reaction at a temperature of 600 °C or less and the use of nickel instead of germanium as the first electrode material. Fujimoto et al. teach (Column 7 Lines 25 to 36) that germanium and nickel are equivalent electrode materials known in the art and that these material show eutectic reactions at temperatures of 600 °C or less (i.e. 300 °C) to realize good contact resistance and easy wire bonding (Column 7 Lines 20 to 24). It would have been obvious to a person of ordinary skill in the art at the time of invention to use germanium instead of nickel and that these materials show eutectic reactions at temperatures of 600 °C or less to realize good contact resistance and easy wire bonding.

Response to Arguments

3. Applicant's arguments filed 4/18/2007 have been fully considered but they are not persuasive. The Examiner's remarks to previous replies form the Applicants still apply and are considered repeated herein. In reference to the materials exhibit a eutectic reaction, the materials in the are deposited in the order as claimed and therefore, should inherently have the eutectic reaction. There is nothing in the Specification that stipulates this is not so. In fact, the Specification clearly states that ordinary means can be provided to deposit these electrode materials (i.e. MBE methods, vacuum vapor deposition methods, sputtering, Page 8 ; Lines 1 to 4) all of which are well known to one of ordinary skill in the art. Subsequently, a heating step is performed. Fujimoto et al. clearly states that a heating step of temperatures of 600 °C or less is preformed after deposition (i.e. annealing; Column 7 Line 30).

Fujimoto et al. is used in the rejection to show that germanium and nickel are equivalent electrode materials for a p-type layer known in the art. It would be obvious because the substitution of one known electrode material for the other

would have yielded predictable results to one of ordinary skill in the art. See Supreme Court decision in *KSR International Co. v. Teleflex Inc.*, 550 U.S. __, 82 USPQ2d 1385 (2007).

In view of these reasons and those set forth in the present office action, the rejections of the stated claims stand.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Papers related to this application may be submitted directly to Art Unit 2814 by facsimile transmission. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (15 November 1989). The Art Unit 2814 Fax Center number is **(571) 273-8300**. The Art Unit 2814 Fax Center is to be used only for papers related to Art Unit 2814 applications.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Howard Weiss at **(571) 272-1720** and between the hours of 7:00 AM to 3:00 PM (Eastern Standard Time) Monday through Friday or by e-mail via Howard.Weiss@uspto.gov. If attempts to reach the examiner by

telephone are unsuccessful, the examiner's supervisor, Wael Fahmy, can be reached on **(571) 272-1705**.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).
8. The following list is the Examiner's field of search for the present Office Action:

| Field of Search | Date |
|--|-----------------|
| U.S. Class / Subclass(es): 257/77, 781 | thru 11/26/2007 |
| Other Documentation: none | |
| Electronic Database(s): EAST | thru 11/26/2007 |

HW/hw
28 November 2007

/Howard Weiss/
Primary Examiner
Art Unit 2814